

REMARKS

By the present amendment product claims 1, 3, 4 and 10 are under consideration in the application.

Support For Claim Amendments

Claim 1

The limitations of prior, now canceled, dependent claim 2 have been inserted into independent claim 1. The expression "+12/93Nb" appears in the equation added to claim 1. This is supported in the specification at page 11, lines 21-22 and line 26.

As suggested by the Office Action at page 2, paragraph 3, --when welded-- has been added to the last line of claim 1 to support the phrase "said hot-rolled welded steel sheet."

Claims 3 & 4

Dependent claims 3 and 4 have been amended to be dependent on only claim 1. Dependent claim 2 has been canceled by the present amendment.

Claim 10

The last 3 lines of dependent claim 10 have been amended in accordance with the suggestion of the Office Action in the first 5 lines of page 3.

§112, ¶2

Claims 1 to 4 and 10 have been rejected under 35 U.S.C. §112, second paragraph, as being indefinite.

In response to this rejection, claim 1 has been amended to insert the phrase --when welded-- at the end of claim 1 in accordance with the suggestion of the Office Action at page 2, paragraph 3.

With reference to dependent claim 10 and the Office Action at page 2, paragraph 5, independent claim 1, from which dependent claim 10 depends, has been amended to recite Nb.

With reference to the Office Action, paragraph 6, bridging pages 2-3, the last 3 lines of claim 10 have been amended in accordance with the suggestion of the Office Action.

In view of the present amendment, it is respectfully requested that the rejections under 35 U.S.C. §112, second paragraph, be withdrawn.

§103

Claims 1, 3, 4 and 10 have been rejected under 35 U.S.C. §103 (a) as being unpatentable over Japan No. 8-157957 (referred to in the Office Action as 408157957).

This rejection, as applied to the amended claims, is respectfully traversed.

Allowable Subject Matter

The Office Action advised at page 4 that claim 2 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. §112, second paragraph, and to include all the limitations of the base claim and any intervening claims.

Patentability

By the present amendment, claim 1 has been amended to include the limitations of dependent claim 2, with “-12/93Nb” changed to -- +12/93Nb -- are previously discussed.

Claim 1 has also been amended in response to the rejection under 35 U.S.C. §112, second paragraph.

It is therefore respectfully submitted that amended independent claim 1, and claims 3, 4 and 10 dependent thereon, are patentable.

CONCLUSION

It is submitted that in view of the present amendment and foregoing remarks, the application is now in condition for allowance. It is therefore respectfully requested that the application, as amended, be allowed and passed for issue.

Respectfully submitted,

KENYON & KENYON LLP

By: John J. Kelly, Jr.
John J. Kelly, Jr.
Reg. No. 29,182

Dated: June 26, 2009

KENYON & KENYON LLP
One Broadway
New York, NY 10004
Telephone No. (212) 425-7200
Facsimile No. (212) 425-5288

CUSTOMER NO. 26646